

U.S. Serial No. 09/400,154

Docket No. 1232-4568

REMARKS

Applicant respectfully requests reconsideration of the application in light of the above Amendment and the following Remarks.

By this paper, claims 27, 37, and 47-52 are amended and claims 53 and 54 are added. Claims 1-26 were canceled in a previous amendment.

Rejection of Claims 27, 28, 30, 47, 49, and 51 under 35 U.S.C. § 102(b)

Claims 27, 28, 30, 47, 49, and 51 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Fukusaka et al. (EP 860978 A2). Applicants respectfully traverse this rejection.

Fukusaka et al. discloses an image sensing system that includes an image sensing apparatus such as a camera and an information processing apparatus (a computer). According to the first embodiment disclosed by Fukusaka et al., operation of the image sensing apparatus by a user, e.g., by depressing a shutter button, automatically initiates an application program on the computer so that, e.g., the user does not have to manually start an image processing application. Fukusaka et al., col. 10, ll. 38-44. According to the second and third embodiments disclosed by Fukusaka et al., the image sensing apparatus is a camera capable of operating in a document mode and a non-document mode. After the camera is switched into the document mode by the user (through the computer), the camera issues a signal indicating its changed status to the computer. When the signal is received, optical character recognition software is downloaded from a disk to RAM. Fukusaka et al., col. 11, l. 42-col. 12, l.1.

Claim 27, as amended, recites:

a transmitting unit adapted to transmit
information indicating an operation mode
set in said image input device to said

U.S. Serial No. 09/400,154

Docket No. 1232-4568

computer when said image input device and said computer are connected with each other in a case that said image input device is connected to said computer in a state that the power of said image input device is turned on, and adapted to transmit information indicating an operation mode set in said image input device to said computer when the power of said image input device is turned on after said image input device is connected to said computer in a case that said image input device is connected to said computer in a state that the power of said image input device is turned off

This limitation is not taught by Fukusaka et al. In the device disclosed by Fukusaka et al., information indicating an operating mode set in the image input device is not transmitted to the computer when the image input device and the computer are connected to each other in the case that they are connected to each other with the power of the image input device turned on and transmitted to the computer when the image input device is turned on in the case that the image input device and the computer are connected to each other with the power of the image input device turned off.

Similarly, method claims 47, 49, and 51, as amended, recite:

a transmitting step of transmitting information indicating an operation mode set in said image input device to said computer when said image input device and said computer are connected with each other in a case that said image input device is connected to said computer in a state that the power of said image input device is turned on, and of transmitting information indicating an operation mode set in said image input device to said computer when the power of said image input device is turned on after said image input device is connected to said computer in a case that said image input device is connected to said computer in a state that

U.S. Serial No. 09/400,154

Docket No. 1232-4568

the power of said image input device is
turned off

As with the similar limitation in claim 27, Fukusaka et al. does not teach this limitation.

Claim 28 depends from claim 27, and claim 30 depends from claim 28.

As a result, claims 28 and 30 necessarily contain all of the limitations in claim 27, including the aforementioned limitation that is not taught by Fukusaka et al. Therefore, claims 28 and 30 are not anticipated by Fukusaka et al. for at least the same reason the claim 27 is not anticipated by Fukusaka et al.

Rejection of Claims 36, 37, 38, 40, 46, 48, 50, and 52 under 35 U.S.C. § 103(a)

Claim 36, 37, 38, 40, 46, 48, 50, and 52 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukusaka et al. Applicants respectfully traverse this rejection.

Claims 36 depends from claim 27. As a result, claim 36 necessarily includes all of the limitations recited in claim 27, including the aforementioned limitation that is not taught by Fukusaka et al. There is no motivation, absent applicant's own disclosure, to modify the device disclosed in Fukusaka et al. so that it reads on this limitation in claim 27.

Independent claim 37, as amended, recites:

a transmitting unit adapted to transmit
information indicating an operation mode
set in said image input device to said
computer when said image input device
and said computer are connected with each
other in a case that said image input device
is connected to said computer in a state
that the power of said image input device
is turned on, and adapted to transmit
information indicating an operation mode
set in said image input device to said

U.S. Serial No. 09/400,154

Docket No. 1232-4568

computer when the power of said image input device is turned on after said image input device is connected to said computer in a case that said image input device is connected to said computer in a state that the power of said image input device is turned off

This limitation is also recited in independent claim 27. As mentioned above, this limitation is not taught by Fukusaka et al. There is no motivation, absent applicant's own disclosure, to modify the system disclosed in Fukusaka et al. so that it reads on this limitation in claim 37.

Similarly, independent claim 48, as amended, recites:

a transmitting step of transmitting information indicating an operation mode set in said image input device to said computer when said image input device and said computer are connected with each other in a case that said image input device is connected to said computer in a state that the power of said image input device is turned on, and of transmitting information indicating an operation mode set in said image input device to said computer when the power of said image input device is turned on after said image input device is connected to said computer in a case that said image input device is connected to said computer in a state that the power of said image input device is turned off

As with the similar limitation in claim 37, Fukusaka et al. does not teach this limitation. Furthermore, there is no motivation, absent applicant's own disclosure, to modify the method taught by Fukusaka et al. so that it reads on this limitation in claim 48.

Similarly, independent claims 50 and 52 recite:

a code of a transmitting step of transmitting information indicating an operation mode set in said image input

U.S. Serial No. 09/400,154

Docket No. 1232-4568

device to said computer when said image input device and said computer are connected with each other in a case that said image input device is connected to said computer in a state that the power of said image input device is turned on, and of transmitting information indicating an operation mode set in said image input device to said computer when the power of said image input device is turned on after said image input device is connected to said computer in a case that said image input device is connected to said computer in a state that the power of said image input device is turned off

As with the similar limitations in claims 37 and 48, Fukusaka et al. does not teach this limitation. Furthermore, there is no motivation, absent applicant's own disclosure, to modify the system taught by Fukusaka et al. so that it reads on this limitation in claims 50 and 52.

Claims 38, 40, and 46 depend, directly or indirectly, from claim 37. As a result, these claims necessarily include all of the limitations of claim 37. Therefore, claims 38, 40, and 46 are not obvious over Fukusaka et al. for at least the same reason that claim 37 is not obvious over Fukusaka et al.

Rejection of Claims 29, 32, 39, and 42 under 35 U.S.C. § 103(a)

Claims 29, 32, 39, and 42 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukusaka et al. in view of Norris (U.S. Patent No. 5,864,411). Applicants respectfully traverse this rejection.

Claims 29 and 32 depend, indirectly, from claim 27, and claims 39 and 42 depend, directly or indirectly, from claim 37. As a result, claims 29 and 32 necessarily include all of the limitations of claim 27, including the aforementioned

U.S. Serial No. 09/400,154

Docket No. 1232-4568

limitation in claim 27 that is not taught by Fukusaka et al. Similarly, claims 39 and 42 necessarily include all of the limitations of claim 37, including the aforementioned limitation in claim 37 that is not taught by Fukusaka et al.

Norris does not cure the deficiencies of Fukusaka et al. Norris teaches an apparatus for arranging photographic images in a photographic album and a method for creating a photographic album. Norris does not teach transmission of information indicating an operating mode of an image input device either upon connection of the image input device to the computer or upon powering on of the image input device after its connection to the computer depending upon the power state of the image input device upon connection. Therefore, no combination of Fukusaka et al. and Norris results in a device that reads on all of the limitations in any one of claims 29, 32, 39, and 42.

Rejection of Claims 31 and 41 Under 35 U.S.C. § 103(a)

Claims 31 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukusaka et al. in view of Driscoll, Jr et al. (U.S. Patent No. 6,542,184). Applicants respectfully traverse this rejection.

Claim 31 depends, indirectly, from claim 27, and claim 41 depends, indirectly, from claim 37. As a result, claims 31 necessarily includes all of the limitations of claim 27, including the aforementioned limitation in claim 27 that is not taught by Fukusaka et al. Similarly, claim 41 necessarily includes all of the limitations of claim 37, including the aforementioned limitation in claim 37 that is not taught by Fukusaka et al.

Driscoll, Jr. et al. does not cure the deficiencies of Fukusaka et al.

U.S. Serial No. 09/400,154

Docket No. 1232-4568

Driscoll, Jr. et al. teaches a method and apparatus for presenting panoramic images of a remote location. Driscoll, Jr. et al. does not teach transmission of information indicating an operating mode of an image input device either upon connection of the image input device to the computer or upon powering on of the image input device after its connection to the computer depending upon the power state of the image input device upon connection. Therefore, no combination of Fukusaka et al. and Driscoll, Jr. et al. results in a device that reads on all of the limitations in any one of claims 31 and 41.

Rejection of Claims 33–35 and 43–45 Under 35 U.S.C. § 103(a)

Claims 33–35 and 43–45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukusaka et al. in view of Mamiya (EP 0848548 A2).

Applicants respectfully traverse this rejection.

Claims 33–35 directly depend from claim 27, and claims 43–45 directly depend from claim 37. As a result, claims 33–35 necessarily include all of the limitations of claim 27, including the aforementioned limitation in claim 27 that is not taught by Fukusaka et al. Similarly, claims 43–45 necessarily include all of the limitations of claim 37, including the aforementioned limitation in claim 37 that is not taught by Fukusaka et al.

Mamiya does not cure the deficiencies of Fukusaka et al. Mamiya teaches a system that can take a still image by operation of a component of the computer or by operation of the release button of the camera. Mamiya, col. 7, l. 53. Additionally, in the system taught by Mamiya et al., the function of the release button can be changed through computer software and the computer can discriminate between cameras that contain a release button and cameras that do not contain a release button. Mamiya, col.

U.S. Serial No. 09/400,154

Docket No. 1232-4568

7, l. 54— col. 8, l. 2. Mamiya does not teach transmission of information indicating an operating mode of an image input device either upon connection of the image input device to the computer or upon powering on of the image input device after its connection to the computer depending upon the power state of the image input device upon connection. Therefore, no combination of Fukusaka et al. and Mamiya results in a device that reads on all of the limitations in any one of claims 33–35 and 43–45.

New Claims 53 and 54

New claims 53 and 54 both recite:

a transmitting unit adapted to transmit information indicating an operation mode set in said image input device to said computer when said image input device and said computer are connected with each other in a case that said image input device is connected to said computer in a state that the power of said image input device is turned on, and adapted to transmit information indicating an operation mode set in said image input device to said computer when the power of said image input device turn on after said image input device is connected to said computer in a case that said image input device is connected to said computer in a state that the power of said image input device is turned off

This limitation is also recited in claim 27. As explained above, none of the applied references teaches this limitation and no combination of these references results in a device that reads on this limitation. Therefore, claims 53 and 54 are allowable.

U.S. Serial No. 09/400,154

Docket No. 1232-4568

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 1232-4568.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 1232-4568.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: May 8, 2006

By: 

Ankur Parekh

Registration No. 56,060

(212) 415-8700 Telephone

(212) 415-8701 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, NY 10281-2101